

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

***In Re: Ethicon Inc., Pelvic Repair System Products Liability Litigation***  
***MDL No. 2327***

Civil Action No. 2:12-cv-04791

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**AMENDED SHORT FORM COMPLAINT**

Come now the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The First Amended Master Complaint in MDL No. 2327 by reference.

Plaintiff(s) further show the court as follows:

1. Female Plaintiff

Barbara Smith

2. Plaintiff's Spouse (if applicable)

Gary Smith

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

N/A

4. State of Residence

Oregon

5. District Court and Division in which venue would be proper absent direct filing.

Oregon District Court, Portland Division

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6. Defendants (Check Defendants against whom Complaint is made):

☒ A. Ethicon, Inc.

☒ B. Ethicon, LLC

- ☒ C. Johnson & Johnson
- ☐ D. American Medical Systems, Inc. ("AMS")
- ☐ E. American Medical Systems Holdings, Inc. ("AMS Holdings")
- ☐ F. Endo Pharmaceuticals, Inc.
- ☐ G. Endo Health Solutions Inc. (f/k/a Endo Pharmaceuticals Holdings, Inc.)
- ☐ H. Boston Scientific Corporation
- ☐ I. C. R. Bard, Inc. ("Bard")
- ☐ J. Sofradim Production SAS ("Sofradim")
- ☐ K. Tissue Science Laboratories Limited ("TSL")
- ☐ L. Analytic Biosurgical Solutions ("ABISS")
- ☐ M. Mentor Worldwide LLC
- ☐ N. Coloplast A/S
- ☐ O. Coloplast Corp.
- ☐ P. Coloplast Manufacturing US, LLC
- ☐ Q. Porges S.A.

7. Basis of Jurisdiction

- ☒ Diversity of Citizenship
- ☐ Other: \_\_\_\_\_

A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

Paragraphs 9, 10, 11

\_\_\_\_\_

\_\_\_\_\_

B. Other allegations of jurisdiction and venue:

Subject matter jurisdiction is proper pursuant to 28 U.S.C. § 1332.

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Pursuant to 28 U.S.C. § 1407, the Judicial Panel on Multi-District Litigation created  
MDL 2327 to be presided over by the Hon. Joseph Goodwin of the Southern District  
of West Virginia.

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8. Defendants' products implanted in Plaintiff (Check products implanted in Plaintiff)

- ☒ Prolift
  - ☐ Prolift +M
  - ☐ Gynemesh/Gynemesh PS
  - ☐ Prosima
  - ☒ TVT
  - ☐ TVT-Oturator (TVT-O)
  - ☐ TVT-SECUR (TVT-S)
  - ☐ TVT-Exact
  - ☐ TVT-Abbrevio
  - ☐ Other
- 
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9. Defendants' Products about which Plaintiff is making a claim. (Check applicable products):

- ☒ Prolift
- ☐ Prolift +M
- ☐ Gynemesh/Gynemesh PS
- ☐ Prosima
- ☒ TVT

- ☐ TVT-Oturator (TVT-O)
- ☐ TVT-SECUR (TVT-S)
- ☐ TVT-Exact
- ☐ TVT-Abbrevio
- ☐ Other

\_\_\_\_\_  
\_\_\_\_\_

10. Date of Implantation as to Each Product:

April 17, 2006  
\_\_\_\_\_  
\_\_\_\_\_

11. Hospital(s) where Plaintiff was implanted (including City and State):

Kaiser Permanente Regional  
Clackamas, OR

12. Implanting Surgeon(s):

Dr. Peter Zenthoefer, MD  
\_\_\_\_\_

13. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I – Negligence
- ☒ Count II – Strict Liability – Manufacturing Defect
- ☒ Count III – Strict Liability – Failure to Warn
- ☒ Count IV – Strict Liability – Defective Product

- ☒ Count V – Strict Liability – Design Defect
- ☒ Count VI – Common Law Fraud
- ☒ Count VII – Fraudulent Concealment
- ☒ Count VIII – Constructive Fraud
- ☒ Count IX – Negligent Misrepresentation
- ☐ Count X – Negligent Infliction of Emotional Distress
- ☒ Count XI – Breach of Express Warranty
- ☒ Count XII – Breach of Implied Warranty
- ☒ Count XIII – Violation of Consumer Protection Laws
- ☐ Count XIV – Gross Negligence
- ☒ Count XV – Unjust Enrichment
- ☒ Count XVI – Loss of Consortium
- ☐ Count XVII – Punitive Damages
- ☒ Count XVIII – Discovery Rule and Tolling
- ☐ Other Count(s) (Please state factual and legal basis for other claims below):

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DOYLE LOWTHER LLP  
William J. Doyle II (CA #188069)  
Chris W. Cantrell (AL  
#ASB-1500-R80C)  
10200 Willow Creek Road, Suite 150  
San Diego, CA 92131  
Tel: (858) 935-9960  
Fax: (858) 939-1939

/s/ William J. Doyle II

Attorneys for Plaintiff

William J. Doyle II

Chris W. Cantrell